IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

WA.No. 2130 of 2006()

AGAINST THE JUDGEMENT IN WPC.29696/2006 Dated 15/11/2006

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APPELLANTS: PETITIONERS

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1. S.R.BALASUBRAMANYAM, VICE CHAIRMAN, PALAKKAD MUNICIPALITY, RESIDING AT GOLDEN STREET, MOOTHANTHARA, PALAKKAD.

2. C.KRISHNAKUMAR, S/O.LATE KRISHNANUNNI, AGED 34 YEARS, PUTHENVEEDU, THORAPALAYAM, PALAKKAD, COUNCILLOR, WARD NO.14, PALAKKAD MUNICIPALITY.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS/RESPONDENTS

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1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE STATE ELECTION COMMISSION, THIRUVANANTHAPURAM.

3. THE REGIONAL JOINT DIRECTOR, URBAN AFFAIRS DEPARTMENT, KOZHIKODE.

4. PALAKKAD MUNICIPALITY REPRESENTED BY ITS SECRETARY, PALAKKAD.

5. AZEEZ MASTER, KESAVA MENON COLONY, PALAKKAD (COUNCILOR, WARD NO.1).

6. T.A.ABDUL AZEEZ, 30/92, AISHALA MANZIL, POOLAKKAD, PALAKKAD-4 (COUNCILLOR, WARD NO.30) PALAKKAD MUNICIPALITY.

7. P.V.RAJESH, 7/187, RAJESH VIHAR, MANIYANKAD, PALAKKAD (COUNCILLOR, WARD NO.16).

8. P.N.VISWANATHAN, DWARAKA,
KALPATHI, PALAKKAD (COUNCILLOR, WARD NO.2).

9. UMA.C.N., 2/396, V.N.PURAM,
AMBIKAPURAM, PALAKKAD (COUNCILLOR, WARD NO.6).

10. BHAVADAS.K., EZHUTHACHAN HOUSE,
PUTHUR, PALAKKAD (COUNCILOR, WARD NO.9).

11. DEVAYANI, RAMANCHENNATH HOUSE,
PUTHUR, PALAKKAD (COUNCILOR, WARD NO.12).

12. SAHEEDA, W/O.MOHAMMEDALI,
15/198, PARAKKUNNAM, PALAKKAD (COUNCILOR,
WARD NO.15).

13. P.M.VIJAYAKUMAR, S/O.P.V.MANU,
NARIKUTHI, PALAKKAD (COUNCILOR, WARD NO.17).

14. M.K.MUKESHKUMAR, AMMINIYAMMA NIVAS,
SELVA PALAYAM, PALAKKAD (COUNCILOR, WARD NO.21).

15. C.KIDER MOHAMMED, RAHUL HOUSE,
15/436, KUNNATHOORMED, PALAKKAD (COUNCILOR,
WARD NO.23).

16. KUPPELAN, MEENA NIVAS,
CHIRAKKAD, PALAKKAD (COUNCILOR, WARD NO.24).

17. BADARUNNISA @ POOVI, PUTHUPPALLITHERUVU,
NOORNI P.O., PALAKKAD (COUNCILOR, WARD NO.31).

18. CHEMPAKAM.A., 22/312,
THIRUNELLAY P.O., PALAKKAD (COUNCILLOR,
WARD NO.34).

19. KAJA HUSSAIN.K.K., 23/274, KALLIKKAD,
PALAKKAD (COUNCILOR, WARD NO.35).

20. K.MANI, 24/2, SUJITH NIVAS,
NOORNI P.O., PALAKKAD (COUNCILOR, WARD NO.36).

21. SAVITHRI.M., `SREEVALSAM',
PALAYAPPETTA, PALAKKAD-1 (COUNCILOR, WARD NO.39).

22. M.KAJA HUSSAIN, 34/26, PEZHUMKARA,
MEPPARAMBA, PALLIPPURAM, PALAKKAD (COUNCILOR,
WARD NO.46).

R1 BY GOVERNMENT PLEADER MR.T.B.HOOD
R6,R8,R10, R12 TO R15,R17,R19 & R22 BY ADV.MR.P.RAVINDRAN
R2 BY STANDING COUNSEL MR.MURALI PURUSHOTHAMAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20/11/2006, ALONG WITH WA NO. 2131 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.A. Nos. 2130 & 2131 of 2006

Dated, this the 20th day of November, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

During the course of arguments learned counsel representing the respondents states that though they had moved a no confidence motion in writing and which motion is the subject matter of dispute and which no confidence motion was challenged in the writ which has been dismissed, they would, however, move a fresh resolution of no confidence motion.

2. In view of the statement made by the learned counsel for the respondents, without commenting upon the judgment under appeals and only taking into consideration the statement made by the learned counsel for the respondents, these Writ Appeals are closed with an obvious observation that the respondents would be at liberty to

move a fresh resolution of no confidence motion against person/s against whom they earlier moved the motion.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns